

Message Text

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PAGE 01 USUN N 01683 270054Z
ACTION DLOS-09

INFO OCT-01 NEA-10 IO-13 ISO-00 ACDA-07 AGRE-00 AID-05
CEA-01 CEQ-01 CG-00 CIAE-00 EPG-02 COME-00
DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FEAE-00
FMC-01 TRSE-00 H-01 INR-07 INT-05 JUSE-00 L-03
NSAE-00 NSC-05 NSF-01 OES-07 OMB-01 PA-01 PM-04
PRS-01 SP-02 SS-15 USIA-06 OIC-02 AF-10 ARA-06
EA-07 EUR-12 /159 W

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FM USMISSION USUN NEW YORK
TO AMEMBASSY DACCA
SECSTATE WASHDC 3781
INFO AMCONSUL CALCUTTA
AMEMBASSY NEW DELHI

C O N F I D E N T I A L USUN 1683

FROM LOS DEL

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS-U.S. POSITION ON BANGLADESH BASELINE PROPOSAL

REF: DACCA 2655

1. THE U.S. BELIEVES THAT THE BASELINE PROVISIONS OF THE REVISED SINGLE NEGOTIATING TEXT (RSNT) ARE SATISFACTORY. THE PROVISIONS ARE LARGELY DRAWN FROM THE 1958 GENEVA CONVENTION ON THE TERRITORIAL SEA AND THE CONTIGUOUS ZONE. WE HAVE ASSISTED IN THE DRAFT OF ARTICLE 6, PARA 2 OF PART II OF RSNT WHICH IS DIRECTED TO THE BANGLADESH CONCERNS. THAT TEXT READS AS FOLLOWS:

"WHERE BECAUSE OF THE PRESENCE OF A DELTA AND OTHER NATURAL CONDITIONS THE COASTLINE IS HIGHLY UNSTABLE, THE APPROPRIATE
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PAGE 02 USUN N 01683 270054Z

POINTS MAY BE SELECTED ALONG THE FURTHEST SEAWARD EXTENT OF THE LOW-WATER LINE AND, NOTWITHSTANDING SUBSEQUENT REGRESSION OF THE LOW-WATER LINE, SUCH BASELINES SHALL REMAIN EFFECTIVE UNTIL CHANGED BY THE COASTAL STATE IN ACCORDANCE WITH THE PRESENT CONVENTION."

2. WE CANNOT REPEAT CANNOT SUPPORT THE BANGLADESH PRO-

POSAL, BECAUSE ITS EFFECT WILL BE TO OPEN AN ISSUE OF PRINCIPLE THAT COULD EXTEND SHARPLY SEAWARD THE AREA OF THE OCEAN SUBJECT TO COASTAL STATE SOVEREIGNTY, I.E., INTERNAL WATERS AND THE TERRITORIAL SEA, IN MANY AREAS AROUND THE WORLD. THE U.S. SUPPORTS A NARROW TERRITORIAL SEA OF 12 MILES AS PART OF AN OVERALL ACCEPTABLE PACKAGE BUT DOES NOT AGREE THAT THE BASELINES FROM WHICH IT IS MEASURED SHOULD BE A STANDARD WATER DEPTH. OUR FUNDAMENTAL POSITION, UNIVERSALLY ACCEPTED UP TO THIS TIME, IS THAT BASELINES MUST FOLLOW THE LOW WATER LINE OR, AS APPROPRIATE, STRAIGHT BASELINES CONNECTING POINTS ON LAND. WE ARE CONCERNED THAT ANY DEPTH FIGURE WILL REOPEN THIS ESTABLISHED POSITION AND BE USED TO EXCLUDE SHIPS WHICH COULD OTHERWISE NAVIGATE SAFELY IN THE AREA ENCLOSED BY BASELINES. THE LOS TREATY CANNOT ADDRESS EVERY GEOGRAPHIC PECULIARITY, PARTICULARLY IN A MANNER THAT RUNS THE RISK OF STIMULATING ANALOGOUS DEMANDS FROM OTHERS, WHO WILL OF COURSE SEEK TO DOWNPLAY DISTINCTIONS.

3. MOREOVER, WE BELIEVE THAT THE BANGLADESH PROPOSAL INVOLVES BILATERAL QUESTIONS WITH HER NEIGHBORS AND WE ARE HESITANT TO INTERVENE, ESPECIALLY SINCE WE BELIEVE THAT ARTICLE 6, PARA 2 ADEQUATELY ADDRESSES THE QUESTION OF DELTAIC COASTLINES.

4. ADMIRAL KHAN MET WITH AMBASSADOR RICHARDSON ON MAY 20 AND WITH ANOTHER MEMBER OF OUR DELEGATION ON MAY 26 TO PURSUE BANGLADESH POSITION. ADMIRAL KHAN INDICATED QUITE CLEARLY THAT THEIR PROPOSAL WAS INTENDED TO GIVE THEM AN CONFIDENTIAL

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PAGE 03 USUN N 01683 270054Z

ADVANTAGE IN NEGOTIATING THE DELIMITATION OF THE ECONOMIC ZONE AND CONTINENTAL SHELF BOUNDARY, ESPECIALLY WITH INDIA. BANGLADESH INDICATED THAT THEY WERE GEOGRAPHICALLY DISADVANTAGED AND THAT THEIR PROPOSAL WAS MEANT TO COMPENSATE FOR THAT FACT. THE UNITED STATES STATED THAT ARTICLE 6, PARAGRAPH 2 IN FACT ADDRESSED THE BANGLADESH CONCERNS AND THAT THE LOS TREATY CANNOT ADDRESS EVERY ALLEGED GEOGRAPHIC PECULIARITY, ESPECIALLY WHERE SUCH AN IMPORTANT AND ESTABLISHED PRINCIPLE AS BASELINE DEFINITION IS CONCERNED.
LEONARD

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, LAW OF THE SEA, BASE LINES (SURVEYING)
Control Number: n/a
Copy: SINGLE
Sent Date: 27-May-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
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ISecure: 1
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Review Release Date: n/a
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TAGS: PLOS, US, BG
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